IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

WP(C).No. 34079 of 2005(F)

PETITIONER:

PONNAMBILY A.R., D/O.RAJASEKHARAN,
BHAVANA, CHIRAVAKKU, THALIPARAMBA.

BY ADV. SRI.I.V.PRAMOD

RESPONDENTS:
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1. CALICUT UNIVERSITY REPRESENTED BY ITS
REGISTRAR, CALICUT UNIVERSITY P.O.,
THENHIPALAM, MALAPPURAM.

2. THE CONTROLLER OF EXAMINATIONS,
CALICUT UNIVERSITY, CALICUT UNIVERSITY P.O.,
THENHIPALAM, MALAPPURAM.

BY ADV. SRI. E.S. ASHRAF, SC, CALICUT UTY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE MARKLIST DATED 30.7.2002 ISSUED BY THE UNIVERSITY.

EXT.P2 TRUE COPY OF THE COMMUNICATION DATED NIL. BEARING NO. RV/I/121 III BA/A'02

EXT.P3 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 23.5.2005

EXT.P4 TRUE COPY OF THE POSTAL ACKNOWLEDGEMENT CARD RECEIVED BY THE 2ND RESPONDENT.

EXT.P5 TRUE COPY OF CHAPTER 14 OF THE RULES.

EXT.P6 TRUE COPY OF THE CIRCULAR NO. RV/1/3/88 DATED 29.7.1998

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 34079 OF 2005

Dated this the 1st day of March, 2007

JUDGMENT

W.P. is filed for direction to the University to revalue the petitioner's answer books in two subjects. While revaluation in one subject resulted in no change, University could not revalue the answer book in Social and Cultural History of Britain as the same is missing. Counsel for the University submitted that where answer book is lost, University is permitting to write the examination without any fees. Therefore petitioner has to necessarily write the examination again and no fees will be charged for the same. Moreover revaluation fee will be refunded to the petitioner. In the normal course this Court should have ordered the University to identify the person involved in the missing of answer book and compensate the petitioner. However, it is seen that the marks obtained by the petitioner at the original valuation was only 24 and in the other subject revaluation did not lead to any change. Moreover the marks shown in Ext.P1 do not reflect good performance by the petitioner in the examinations. In the circumstances, W.P. is

closed leaving freedom to the petitioner to apply for refund of fees paid for revaluation in the missing answer book and to apply for and write the examination in the failed subject again without remittance of examination fee.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge